

7-1-05

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Bourne et al. Confirmation No.: 5495  
Serial No.: 10/772,571 Art Unit: 3727  
Filed: February 5, 2004 Examiner: To be assigned  
For: PACKAGING FOR IMPARTING ANTI-MICROBIAL PROPERTIES TO A MEDICAL DEVICE Attorney Docket No.: 10177-176-999

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure provisions of 37 C.F.R. §1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the application.

1. Enclosures accompanying this Information Disclosure Statement are:
  - 1a. ☒ A list of all patents, publications, applications, or other information submitted for consideration by the office.
  - 1b. A legible copy of :
    - ☒ Each publication or that portion which caused it to be listed on the PTO-1449;
    - ☐ For each cited pending U.S. application filed before June 30, 2003, the application specification including the claims, and any drawing of the application, or portion of the application which caused it to be listed on the PTO-1449 including any claims directed to that portion;
    - ☐ all other information or portion which caused it to be listed on the PTO-1449.
  - 1c. ☒ An English language copy of search report(s) from a counterpart foreign application or PCT International Search Report.
  - 1d. ☐ Explanations of relevancy (ATTACHMENT 1(d), hereto) or English language abstracts of the non-English language publications.
  - 1e. ☒ Pursuant to 37 C.F.R. § 1.98(a)(2)(ii), copies of the cited U.S. patents and U.S. patent application publications are not submitted herewith.
2. ☒ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(b):
  - ☐ Within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);

- ☐ Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
- ☒ Before the mailing of the first Office action on the merits;
- ☐ Before the mailing of a first Office action after the filing of a request for continued examination under §1.114.

3. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the period specified in 37 C.F.R. §1.97(b), but before the mailing date of any of a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311 or an action that otherwise closes prosecution in the application.

*(Check either Item 3a or 3b)*

- 3a. ☐ The Certification Statement in Item 5 below is applicable. Accordingly, no fee is required.

- 3b. ☐ The \$180.00 fee set forth in 37 C.F.R. §1.17(p) in accordance with 37 C.F.R. §1.97(c) is:

- ☐ enclosed
- ☐ to be charged to Jones Day Deposit Account No. 50-3013.

*(Item 3b to be checked if any reference known for more than 3 months)*

4. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(d) after the period specified in 37 C.F.R. §1.97(c), but on or before the date of payment of the issue fee.

The Certification Statement in Item 5 below is applicable.

The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is:

- ☐ enclosed.
- ☐ to be charged to Jones Day Deposit Account No. 50-3013

5. ☐ Certification Statement (applicable if Item 3a or Item 4 is checked)

*(Check either Item 5a or 5b)*

- 5a. ☐ In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

- 5b. ☐ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not **received** by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.

- 5c. ☐ Pursuant to 37 C.F.R. §1.704(d), each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not **received** by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.

6. ☐ This application is a continuation application under 37 C.F.R. §1.53(b) or (d).

*(Check appropriate Items 6a, 6b and/or 6c)*

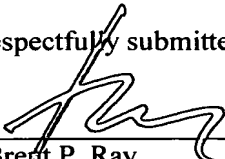
- 6a. ☐ A Petition to Withdraw from issue under 37 C.F.R. §1.313(b)(5) is concurrently filed herewith.
- 6b. ☐ Copies of publications listed on Form PTO-1449 from prior application Serial No. , filed on , of which this application claims priority under 35 U.S.C. §120, are not being submitted pursuant to 37 C.F.R. §1.98(d).
- 6c. ☐ Copies of the publications listed on Form PTO-1449 were not previously cited in prior application Serial No. , filed on , and are provided herewith.
7. ☐ This is a Supplemental Information Disclosure Statement. (Check Item 7a)
- 7a. ☐ This Supplemental Information Disclosure Statement under 37 C.F.R. §1.97(f) supplements the Information Disclosure Statement filed on . A bona fide attempt was made to comply with 37 C.F.R. §1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental Information Disclosure Statement can be considered as if properly filed on .
8. ☐ In accordance with 37 C.F.R. §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:

*( Check Item 8a, 8b, or 8c)*

- 8a. ☐ satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office.
- 8b. ☐ set forth in the application.
- 8c. ☐ enclosed as an attachment hereto.
9. ☒ The Commissioner is authorized to charge any additional fee required or credit any overpayment for this Information Disclosure Statement and/or Petition to Jones Day Deposit Account No. 50-3013.
10. ☒ No admission is made that the information cited in this Statement is, or is considered to be, material to patentability and no representation is made that a search has been made (other than a search report of a foreign counterpart application or PCT International Search Report if submitted herewith). 37 C.F.R. §§1.97(g) and (h).

Respectfully submitted,

Date: June 29, 2005

  
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**LIST OF REFERENCES CITED BY APPLICANT**  
(Use several sheets if necessary)

ATTY. DOCKET NO.

10177-176-999

APPLICATION NO.

10/772,571

APPLICANT

Bourne et al.

FILING DATE

February 5, 2004

GROUP

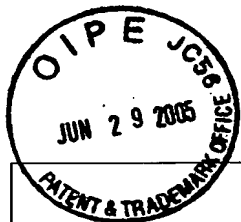
3727

**U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A01	6,838,050 B1	01/04/2005	Green et al.			
	A02	6,523,714 B2	02/25/2003	Serbiak			
	A03	6,485,735 B1	11/26/2002	Steen et al.			
	A04	5,928,213	07/27/1999	Barney et al.			
	A05	5,919,554	07/06/1999	Watterson, III et al.			
	A06	5,906,825	05/25/1999	Seabrook, Jr. et al.			
	A07	5,641,496	06/24/1997	Van Roekel			
	A08	5,503,835	04/02/1996	Van Roekel			
	A09	5,407,685	04/18/1995	Malchesky et al.			
	A10	5,287,961	02/22/1994	Herran			
	A11	5,242,052	09/07/1993	Weder			
	A12	4,961,495	10/09/1990	Yoshida et al.			
	A13	4,888,175	12/19/1989	Burton, Jr. et al.			
	A14	4,851,246	07/25/1989	Maxwell et al.			
	A15	4,813,210	03/21/1989	Masuda et al.			
	A16	4,666,706	05/19/1987	Farquharson et al.			
	A17	4,533,435	08/06/1985	Intilli			
	A18	3,041,184	06/26/1962	Hartshorne			
	A19						

**FOREIGN PATENT DOCUMENTS**

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	B01	EP 0 378 183 A1	07/18/1990	Europe				
	B02	WO 2004/075944 A2	09/10/2004	PCT				
	B03	WO 2004/075944 A3	09/10/2004	PCT				
	B04	WO 03/092779 A1	11/13/2003	PCT				
	B05	WO 00/74743	12/14/2000	PCT				
	B06	WO 00/47494	08/17/2000	PCT				
	B07	WO 99/65538	12/23/1999	PCT				
	B08	WO 98/11932	03/26/1998	PCT				
	B09							



**OTHER REFERENCES** *(Including Author, Title, Date, Pertinent Pages, Etc.)*

C01	Hanna, Md, MPH, Hend; Raad, MD, Issam. <u>New Approaches for Prevention of Intravascular Catheter-Related Infections</u> , InfectMed 18(1): 38-48; Cliggott Publishing Co. 2001
C02	Zhang, Xianping; Whitbourne, Richard; Richmond, Richard D. <u>Antiinfective Coatings for Indwelling Medical Devices</u> , Nov./Dec. 1997
C03	

**EXAMINER**

**DATE CONSIDERED**

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.